

**RESOLUTION NO. 4565**

**A RESOLUTION OF APPLICATION REQUESTING THE MONTEREY COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) TO INITIATE PROCEEDINGS IN CONNECTION WITH A SPHERE OF INFLUENCE AMENDMENT, RELATED TO THE MIRAVALLE III SPECIFIC PLAN AREA AND INVOLVING APPROXIMATELY 920 ACRES WITHIN THREE EXPANSION AREAS, CONSISTENT WITH THE ADOPTED GENERAL PLAN**

**WHEREAS**, the City of Soledad adopted 2005 General Plan designates certain lands for urban growth and development within areas designated by the General Plan as the Mirassou, San Vicente West and Northwest Expansion Areas; and

**WHEREAS**, Soledad General Plan (Program 2.1) does direct the City to pursue an application to the Monterey County Local Agency Formation Commission for an amendment of its sphere of influence consistent with the General Plan; and

**WHEREAS**, the City Council of the City of Soledad desires to initiate proceedings to apply for an amendment to its sphere of influence to include approximately 920 acres of property ("Subject Property"), which fall within the Mirassou, San Vicente West and Northwest Expansion Areas as set forth in the City of Soledad's General Plan, to the City of Soledad; and

**WHEREAS**, the subject property is located in unincorporated Monterey County generally between San Vicente Road and Orchard Lane north and west of the current City limits, and consists of Assessor's Parcel Nos. 417-151-082, 417-151-083, 417-151-084, 417-151-085, 257-081-005, 257-081-026, 257-081-027, and 257-081-032; and

**WHEREAS**, the Monterey County Local Agency Formation Commission ("LAFCO") is the agency with jurisdiction over sphere of influence amendments within Monterey County; and

**WHEREAS**, on August 12, 2010, the Planning Commission, conducted a noticed public hearing to consider a recommendation to the City Council for initiating a sphere of influence amendment request, and considered the Staff Report and oral report for this item; and

**WHEREAS**, the Planning Commission, through adoption of Resolution 2010-15, resolved to recommend that the City Council of the City of Soledad hold a public hearing and, thereupon, provide direction for preparation of a SOI amendment application to LAFCO, contingent upon the provision of adequate funding and application fees by the Miravale III project applicant; and

**WHEREAS**, notice of the public hearing on this resolution was given and published in the manner required by law and the public hearing on this resolution was held on September 1, 2010, before the City Council; and

**WHEREAS**, the City of Soledad has complied with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21000 et seq., the CEQA Guidelines, California Code of Regulations, Title. 14, Section 15000 et seq.; and the City Council has, prior to or concurrent with the approval of this proposed resolution, considered, and certified the Final Environmental Impact Reports for both the City of Soledad 2005 General Plan (SCN# 2005032722) and for the proposed Miravale III Specific Plan (SCN# 2008032122), either of which adequately addresses the environmental effects of the proposed boundary change pursuant to CEQA; and

**WHEREAS**, prior to adoption of the Soledad General Plan on September 21, 2005, the City Council did make certain findings of fact regarding the significant environmental impacts of the General Plan and related wastewater treatment and disposal plant upgrade, and did adopt a Statement of Overriding Consideration through approval of Resolution 3678; and

**WHEREAS**, the principal reasons for the proposed boundary change are as follows:

1. The City Council has determined that the proposed Sphere of Influence amendment is consistent with and facilitates the fulfillment of the goals, policies and objectives set forth in the City of Soledad General Plan, and
2. The Subject Property is proposed as the site for future development pursuant to the the proposed Miravale III Specific Plan, and
3. The City Council has determined that the proposed Specific Plan must be revised in accordance with the project alternatives and/or mitigation measures identified in the certified Miravale III Specific Plan FEIR; and
4. The City Council seeks to initiate early consultation with LAFCO for the sphere of influence amendment to allow comments and direction received from LAFCO to be incorporated into the proposed Miravale III Specific Plan prior to initiating proceedings for consideration of the proposed project and annexation of the Subject Property into the City limit; and
5. The City Council has determined that the sphere amendment listed herein, will not create islands or other discontinuous parcels within the City because the Subject Property is located immediately to the east of and is contiguous with the existing City of Soledad limits, and
6. The City Council has determined that the sphere amendment listed herein, will promote the general health, safety and welfare of the community.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of

Soledad as follows:

1. All of the recitals set forth above are true and correct to the best of its knowledge, and by this reference, are incorporated herein.

2. That this Resolution of Application is hereby adopted and approved, and the Local Agency Formation Commission of Monterey County is hereby requested to take proceedings to amend the City of Soledad Sphere of Influence to include the Subject Property as authorized.

3. That City Staff is hereby directed to prepare all such documents as may be required to facilitate the sphere amendment application and the City Manager is hereby authorized to execute such documents, if required, in the following manner:

a) City Staff will prepare, or have prepared, the LAFCO application, SOI Amendment map, Plan for Services and updated fiscal impact analysis. All work related to the LAFCO application, SOI amendment map, plan for services and updated fiscal impact analysis shall be undertaken at the applicant's expense; and

b) The applicant shall deposit funds with the City in an amount sufficient to allow for completion of the SOI application, and the preparation of an updated Fiscal Analysis and Plan for Services that conforms with City infrastructure and public facility master plan requirements and meets LAFCO standards; and

c) The applicant will revise the proposed Specific Plan in conformance with the certified FEIR and staff direction; and

d) While the applicant revises the Specific Plan and tentative map per the adopted mitigation measures in the certified EIR, the City will prepare or have prepared a LAFCO Application to amend the Sphere of Influence to include the Miravale III Specific Plan area; and

e) The applicant will be responsible for providing to the City: a base map and other supporting materials for the LAFCO SOI amendment application, and funding, including application fees, and supporting information for the City's preparation of a Fiscal Analysis and Plan for Services, consistent with City's Master Plans for public services and facilities (storm drainage, sewer, water, etc.) and in a manner acceptable to LAFCO.

4. A request to LAFCO for annexation, the proposed specific plan, land subdivision (tentative map), and development agreement(s) will be processed and considered at a later date, once the revised Specific Plan, consistent with the certified FEIR, is submitted to the Community and Economic Development Department and determined to be consistent with the certified FEIR, and LAFCO has considered the Sphere of Influence amendment request and

provided direction or a decision to the City.

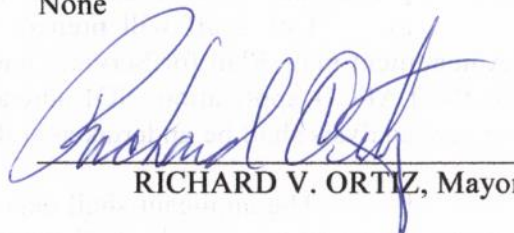
**PASSED AND ADOPTED** this 1st day of September 2010, by the City Council of Soledad, by the following vote:

**AYES**, and in favor thereof, Councilmembers: Richard J. Perez, Juan Saavedra, Patricia Stephens, Mayor Pro Tem Martha Camacho and Mayor Richard V. Ortiz

**NOES**, Councilmembers: None

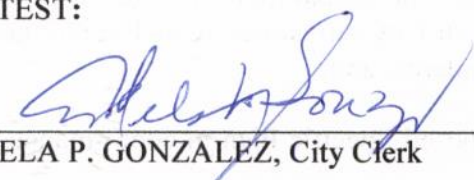
**ABSTAIN**, Councilmembers: None

**ABSENT**, Councilmembers: None



RICHARD V. ORTIZ, Mayor

**ATTEST:**



ADELA P. GONZALEZ, City Clerk